

PLACER COUNTY AIR POLLUTION CONTROL DISTRICT

Portable Equipment Permitting and Registration

Q & A

Are You Operating Portable Equipment That Should have a Permit?

Do you operate portable equipment that is powered solely by a portable engine, such as electrical power generators, compressors, abrasive blasting equipment, sand and gravel screening equipment, rock or pavement crushing equipment, tub grinders, trommel screens, woodchippers, well-drilling equipment, diesel pile driving hammers, welding equipment, cranes, dredges, and concrete batch plants? Do you have portable equipment that emits dust or pollutants to the air?

“Portable” means that it is designed and capable of being carried or moved from one location to another. An engine that, among other functions, provides the motive power for a vehicle or for self-propelled equipment is not a “portable” engine.

The District regulations require the permitting of any portable engine having a brake horsepower rating of greater than 50 horsepower that is not a vehicle engine. If the engine is stationary, such as an installed emergency generator or shop equipment, a permit from the District is required. However, if the engine is portable, does not propel a vehicle, and does not operate at any location for more than 12 consecutive months, it may be registered with the State of California Air Resources Board in lieu of obtaining a District permit. Registration with the State is much less expensive than the cost to obtain a District permit and allows the relocation of the equipment throughout California. Both engines and equipment that emit air pollutants, must either be permitted with the District or registered with the State.

The Statewide Portable Equipment Registration Program (PERP), established in 1997, has emission standards that equipment must satisfy so all portable equipment is not automatically eligible for registration. In addition, a portable engine and the equipment unit it serves are considered to be separate emissions units - each requiring separate registration applications. Once the portable equipment is registered to a “home” air district, it may be operated in other air districts. If the equipment will be operated in another air district for more than 5 days, the air district must be notified within two working days of commencing operations. In addition, a registration identification label has to be affixed to the equipment and a certificate of registration and registration requirements (e.g., the conditions of registration and operation) must be kept at hand. Similar requirements apply for rental equipment.

If you rent the equipment you should receive a copy of the registration certificate from the rental company and a certification label should be affixed to the equipment. Both the operator of the equipment and the rental company share responsibility in assuring that the equipment is permitted by the District for operation in Placer County or that it is registered for statewide operation.

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The District encourages the State registration of portable equipment in lieu of obtaining a permit from the District, whenever this is possible. The consequence of not obtaining either a District permit or a State registration, or for not complying with permit or registration requirements, will likely include the payment of a monetary penalty that removes any monetary advantage that may have been gained by not complying and to serve as a deterrent to future violations. Although the penalty is dependent upon the circumstances, these penalties can be \$1,000 or more per violation, with each day during which a violation occurs counted as a separate offense.

If you operate portable equipment of greater than 50 brake horsepower in Placer County, then either a District permit or a Portable Equipment Registration is required. Please contact the District Office to find out if you are required to have a permit or registration for your equipment. Permitting information may be obtained by contacting the District, or from the District webpage <http://www.placer.ca.gov/apcd>. Information regarding the Statewide Portable Equipment Registration Program and registration application forms can be obtained by calling (916) 324-5869, via e-mail at portable@arb.ca.gov, or from the California Air Resources Board's webpage <http://www.arb.ca.gov/portable/perp/perp.htm>. Information regarding the Statewide Portable Equipment Registration Program regulations activities, such as upcoming amendments may be found at the California Air Resources Board's webpage <http://www.arb.ca.gov/portable/perpact/perpact.htm>.

Do You Operate a Portable Diesel-Fueled Engine that is Greater than 50 HP?

If you do, each engine must either have a permit from the Placer County Air Pollution Control District or be registered with the State in the Statewide Portable Equipment Registration Program (PERP). All portable diesel-fueled engines of 50 HP or more that do not propel a vehicle must be registered and meet engine certification or emission control device retrofit requirements, or be permitted by the District and meet similar requirements, pursuant to the State's Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater.

A portable diesel-fueled engine that is to be registered with the State or permitted by the District must be either:

- A "certified" engine: A certified engine is one, which has been tested by the U.S. EPA or the ARB and meets the federal off-road engine emission standards.

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- A “controlled” engine: A controlled engine is one that meets the spark-ignition engine standards in Table 1 of the Statewide PERP regulation, an engine retrofitted with a Clean Cam technology kit, or an engine equipped with a selective catalytic reduction system.

• Pursuant to emergency amendments adopted by the ARB on December 7, 2006, and effective December 27, 2006 for no more than 120 days, engines operated in California between March 4, 2004 and October 1, 2006 may be permitted or registered by a district or registered in the Statewide Portable Equipment Registration Program until December 31, 2009 if they meet a tier standard pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulations (e.g. Tier 1 and 2).

• Pursuant to emergency amendments adopted by the ARB on December 7, 2006, and effective December 27, 2006 for no more than 120 days, upon approval by the air pollution control officer, a district may permit or register an engine that is not certified to a tier standard pursuant to 40 CFR Part 89 or Title 13 of the California Code of Regulations. Any engine permitted or registered by a district pursuant to this section 93116.3(b)(6) shall not be considered to be a resident engine for purposes of the Statewide Portable Equipment Registration Regulation (Title 13 section 2450 et seq.) PCAPCD is not permitting any Tier 0 engines. In lieu of permitting, owners and operators of Tier 0 engines may enter into a compliance agreement with the PCAPCD that allows operation of such engines in Placer County through January 1, 2009, at which time the engines must be permanently decommissioned.

What About Gasoline or Natural Gas/Propane Fueled Portable Engines?

All engines having horsepower ratings of 50 or more that operate in Placer County must be permitted by the District, or if it is a portable engine residing at any one location for less than 12 months then it may be registered by the State in the Portable Equipment Registration Program in lieu of obtaining a District permit. The engine must comply with District regulations, including meeting requirements for having Best Available Control Technology (BACT).

If the gasoline or alternatively fueled engine or equipment cannot meet permitting or registration emission or equipment standards, then the engine or equipment cannot

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be permitted or registered. As a consequence the engine or equipment cannot be legally operated in Placer County.

I Do Not Possess A District Permit or a State Registration for My Portable Engine(s).

If you do not possess a District permit or Statewide PERP registration for your engine you are in violation of District Rule 501, General Permit Requirements. If the engine is diesel fueled you are also in violation of the State's Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater. Among other requirements, this regulation requires that you obtain either a District permit or a Statewide PERP registration.

The District enforces both its own rules and the State's regulation. For each day that you were required to have a permit or registration and did not have one, you are strictly liable for up to \$1,000 per day in civil penalties, and may be liable for up to \$10,000 per day in civil penalties if the lack of a permit was due to negligent or intentional conduct. Higher penalties may apply, if in addition to not possessing a permit or registration, the equipment emits pollutants in violation of applicable emission standards. Finally, if a permit is sought then late permit application filing fees may apply.

In taking enforcement action the District will consider as factors in setting the penalty offer whether the violation was discovered by the District or if the violation was voluntarily disclosed, whether prompt action was taken to obtain a permit or registration, whether the violation was intentional or due to negligence, whether emission limitations were violated, and the benefit that accrued from the violation (e.g. avoided costs).

If the lack of a permit or registration "in-hand" is discovered, then the District will not allow operation of the equipment, unless either a District permit or a State registration has been applied for all company equipment subject to permitting/registration in Placer County, and an agreement on compliance has been reached. The District will take enforcement action for the discovered violation(s), but may elect not to take enforcement action on further operation of the equipment pursuant to a compliance agreement reached between the Operator and the District. If an application for a State PERP registration was made prior to discovery by the District this will be taken into consideration as a mitigating factor, however the Operator is not absolved from having violated since having the registration prior to operation is a PERP requirement.

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For violations disclosed to the District, the District may elect to not take enforcement action provided that the costs avoided by the Operator and District costs are paid by the Operator, and a compliance agreement is reached between the Operator and the District and it is adhered to by the Operator to encourage future compliance .

Gasoline or alternatively fueled engines are also required to have a permit from the District or registration by the State. An enforcement process that is similar to the one described above will be followed by the District for gasoline and alternative fueled engines. If the equipment cannot meet permit or registration emission or equipment standards, then the equipment cannot be permitted or registered and cannot be legally operated in Placer County.

What If My 50 HP or Greater Portable Engine(s) Do Not Meet the Certification Requirements, or They Can't Be Retrofitted with the Required Control Devices?

Diesel engine operation without a District permit or Statewide PERP registration may be a violation of both District rules and the State's ATCM for diesel-fueled engines. As long as the engines are not permitted or registered, then each additional day during which the operation of the engine occurs may be counted as a new and additional violation.

The State's ATCM for portable diesel-fueled engines does not require Tier O diesel-fueled engines to meet new standards until January 1, 2010. For this reason the District may consider using its enforcement discretion to allow operation of a diesel-fueled engine that cannot currently be permitted or registered, provided: (1) the unpermitted and unregistered status of the equipment is voluntarily disclosed to the District (i.e. the District does not discover the violation in the field or by other means), (2) a settlement is reached on violations that have occurred, (3) the economic benefit of not having a District permit is removed, and (4) there is an enforceable commitment to come into compliance with all air pollution control requirements for the engine by no later than January 1, 2010 (Note: the District may require compliance with the non-road engine standards for newly manufactured engines by the earlier date of January 1, 2009 as part of a compliance agreement).

Gasoline or alternatively fueled engines are also required to have a permit from the District or registration by the State. If the equipment cannot meet permitting or registration emission or equipment standards then the equipment cannot be permitted or registered and as a consequence cannot be legally operated in Placer County.

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What If My Portable Engine(s) Can Meet the Certification Requirements, or Control Device Retrofit Requirements, But I Don't Yet Have A Permit or Registration?

You cannot legally operate, in Placer County, equipment that does not have required permits or registration unless you have a variance or have otherwise entered into a formal compliance agreement with the District. Enforcement action will be taken for the illegal operation of equipment even if you have applied for, but have not yet obtained a District permit or a Statewide PERP registration. You may apply for an expedited permit from the District to bridge the time period until your Statewide Portable Equipment Registration is received.

In taking enforcement action, the District will take into consideration efforts made to comply with air regulations and whether the violation or potential violation was self-disclosed or was discovered by the District. For example, penalties from District enforcement action and late filing fees may apply for equipment that is "found", in addition to normal permit fees. Conversely, the District may elect to not seek any penalties for violations that are voluntarily disclosed and where an agreement with the District provides some assurance to the District that corrective actions will be taken.

What are Examples of Portable Engines that Must Be Permitted or Registered?

Any engine having a brake horsepower rating of 50 HP or more that does not provide motive power to a vehicle is required to have a permit from the District, or if the engine is portable it may instead have a Statewide PERP registration, issued by the California Air Resources Board. Portable engines include, but are not limited to, internal combustion engines used in the following:

- cranes
- power generation
- pumps
- diesel pile-driving hammers
- welding
- service or work-over rigs
- well drilling
- dredges on boats or barges
- wood chippers

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- tactical support equipment
- compressors
- vacuum trucks
- concrete pumpers
- street sweepers

What Other Portable Equipment Must Be Permitted or Registered?

In addition to engines, any ancillary equipment that emits pollutants to the air exceeding 2 pounds per day should also be registered under the Statewide program; otherwise a separate District permit is required for operations in Placer County.

Portable equipment units include, but are not limited to, the following portable engine-associated units:

- confined and unconfined abrasive blasting operations
- concrete batch plants
- sand and gravel screening
- rock and pavement crushing and recycling
- tub grinders and trammel screens

Such equipment requires either a District Permit or a Statewide PERP registration to operate in Placer County.

What About "Stationary" Engines?

The District requires a permit for all stationary engines greater than 50 HP regardless of fuel type that are located in Placer County.

The California Air Resources Board's (ARB's) Airborne Toxic Control Measure for Stationary Compression Engines Final Regulation Order has established requirements and compliance dates for diesel-fueled engines of greater than 50 HP.

Stationary engines, whether diesel-fueled or not, must be permitted by the District to operate legally. The retrofit of the engine, or even its replacement, may be necessary to comply with applicable District regulations.

In addition, the Statewide PERP registration for some engines and equipment is not valid at any given location where other air contaminant emitting equipment,

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excluding engines, is operated as a stationary source and if the portable engine or equipment unit may be considered a part of the stationary source. District authorization must be obtained before operating at any specific location where the Statewide registration is not valid. The Statewide registration may also not be valid if certain hazardous or toxic materials are to be processed using PERP registered equipment. Carefully read the requirements of registration for your engine or equipment.

What Does the Statewide Portable Equipment Registration Program (PERP) Require?

In addition to having established emission limitations that must be satisfied to obtain a registration, the Statewide PERP program requires the conditions of registration are met. Included among the requirements are the following:

- Unless you have designated Placer as your home district, you must notify the District within 2 days of coming to Placer County, if you intend to be here five days or more.
- You must have a copy of the Certificate of Registration listing the equipment, and the registration requirements (e.g., the conditions of registration and operation) for the equipment, with the equipment available for immediate inspector review upon request.
- The equipment must be properly labeled with a program registration label or sticker.

What Engines or Equipment Cannot be Registered?

The following are commonly found engines and equipment that are not eligible for registration under the Statewide PERP program:

- (1) any engine used to propel mobile equipment or a motor vehicle of any kind;
- (2) any engine or equipment unit not meeting the definition of portable as defined in section 2452 (z) of this regulation (See the next question);
- (3) any equipment unit and its associated engine determined by the Air Resources Board Executive Officer to qualify as part of a stationary source permitted by a district;
- (4) any equipment unit and its associated engine determined by the District to qualify as part of a stationary source, which therefore requires permitting by the District.

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In addition to (3), after a Statewide PERP registration is issued, the District may find that an equipment unit and its associated engine qualify as a part of a stationary source, and that the registration is therefore not valid.

How is “Portable” Equipment Defined in the Statewide Portable Equipment Registration Program?

As defined by the Statewide PERP regulation, “Portable” means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. For the purposes of the regulation, dredge engines on a boat or barge are considered portable. The engine or equipment unit is not portable if any of the following are true:

1. the engine or equipment unit or its replacement is attached to a foundation, or if not so attached, will reside at the same location for more than 12 consecutive months. The period during which the engine or equipment unit is maintained at a storage facility shall be excluded from the residency time determination. Any engine or equipment unit such as back-up or stand-by engines or equipment units, that replace engine(s) or equipment unit(s) at a location, and is intended to perform the same or similar function as the engine(s) or equipment unit(s) being replaced, will be included in calculating the consecutive time period. In that case, the cumulative time of all engine(s) or equipment unit(s), including the time between the removal of the original engine(s) or equipment unit(s) and installation of the replacement engine(s) or equipment unit(s), will be counted toward the consecutive time period; or
2. the engine or equipment unit remains or will reside at a location for less than 12 consecutive months if the engine or equipment unit is located at a seasonal source and operates during the full annual operating period of the seasonal source, where a seasonal source is a stationary source that remains in a single location on a permanent basis (at least two years) and that operates at that single location at least three months each year; or
3. the engine or equipment unit is moved from one location to another in an attempt to circumvent the portable residence time requirements.

What About Portable Equipment That I May Rent?

Rental equipment is required to meet the same permitting or registration requirements as non-rental equipment, expect that when authorized by the Air

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Resources Board, local district notification is not required for rental equipment of 200 HP or less. The engine and associated equipment should be permitted or registered by the rental company. If you rent portable equipment you should receive a copy of the registration certificate, including requirements of registration (e.g., the conditions of registration and operation), from the rental company and a certification label should be affixed to the equipment. You share responsibility with the rental company for making sure the equipment is properly permitted or registered prior to your operating the equipment. If the District finds that a registration is not on-hand and/or the equipment sticker showing that the equipment is properly registered, the District may find the renter or the rental company, or both, to be in violation of program requirements.

Where Can I Obtain Further Information About These Matters?

Statewide Portable Equipment Registration Program: Information regarding the Statewide Portable Equipment Registration Program and Application Forms can be obtained by calling (916) 324-5869, via e-mail at portable@arb.ca.gov, or from the California Air Resources Board's website: <http://www.arb.ca.gov/portable/perp/perp.htm>.

Portable Equipment ATCM: Information concerning the State's Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater is available from the California Air Resources Board's website <http://www.arb.ca.gov/diesel/peatcm/peatcm.htm>.

Placer County Air Pollution Control District Permitting: Permitting information may be obtained by contacting the District at (530) 745-2330, or from the District webpage <http://www.placer.ca.gov/apcd>.

Stationary Compression Engine ATCM: Information concerning the State's Airborne Toxic Control Measure for Stationary Compression Engines is available from the California Air Resources Board's website: <http://www.arb.ca.gov/diesel/statport.htm>.

District Permitting Requirements: Further information on these regulations and on District permit and permit application requirements may be found at the District's website at www.placer.ca.gov/apcd, or by contacting the District Office at (530) 745-2330. You are invited to contact the District to find out if you are required to have a permit or registration for your equipment.

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